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UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Northwest Region  
7600 Sand Point Way N.E., Bldg. 1  
Seattle, WA 98115

Refer to NMFS No.:  
2005/03253

October 5, 2005

Mr. Sean Sheldrake  
U.S. Environmental Protection Agency  
Environmental Cleanup Office  
1200 Sixth Avenue  
Mailstop: ECL-110  
Seattle, Washington 98101-1128



Re: Amendment to the August 19, 2005 Endangered Species Act Section 7 Formal Consultation and Magnuson-Stevens Act Essential Fish Habitat Consultation on the Northwest Natural Removal Action at the Gasco Site, Portland Harbor, Willamette River, Multnomah County, Oregon

On August 19, 2005, the National Marine Fisheries Service (NMFS) transmitted to the U.S. Environmental Protection Agency (EPA) our biological opinion (Opinion) and Magnuson-Stevens Fishery Conservation and Management Act essential fish habitat consultation for the Northwest Natural Removal Action at the Gasco Site, Portland Harbor, Willamette River (refer to: NMFS No.: 2005/03253). The proposed action is an early action under the authority of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

EPA has requested clarification of Term and Condition 2d to ensure that water quality exceedances downstream of the proposed action are linked to the appropriate cause of each exceedance, and that treatment of discharge water is implemented only if the source of the exceedance cannot be attributed to another cause (e.g., a break in the silt curtain). This is a refinement and clarification of Term and Condition 2d and does not change the analysis or conclusion presented in the Opinion. This letter is intended to ensure that the term and condition is clear and appropriately tied to the removal action, and to the source of any exceedance. Accordingly, NMFS believes that rewording of Term and Condition 2d as follows is warranted.

Term and Condition 2d is amended as follows, with ~~strikethrough~~ indicating deleted text and double underline indicating added text:

- d. Discharge of Water from the Barge. If water quality criteria, for any parameter, are exceeded ~~downstream of the silt curtain,~~ dredging operations will cease and EPA will confer with NMFS as to the possible sources of the exceedance based on monitoring data and visual observations. If there is an obvious source or reason for the water quality exceedance (e.g., silt curtain panel detaching, opening of the silt curtain door, or some material accidentally spilled), this specific issue will be immediately corrected before dredging operations recommence. If there is no



obvious source, water will be treated on the barge before release to the water column inside the containment area. A treatment plant will be used on the barge, and will be constructed as necessary to remove dissolved organics in the event of specific chemical exceedances. Once dredging operations recommence (with any repairs, new BMPs, and/or water treatment in place), water quality sampling will be conducted to confirm that water quality exceedance are no longer taking place. If another exceedance occurs, EPA must work with the applicant, their contractor, and NMFS to ensure that repeated exceedances are fully addressed before dredging recommences. halt the discharge of water from the barge into the silt curtain/containment system. This water shall be placed into NW Natural's on-site treatment system or treated for disposal to the sanitary system.

Other BMPs that shall be implemented include:

- Move the bucket slowly in the water (slower descent and ascent), but move the bucket more quickly from the water surface to the transfer barge, thereby allowing less water to drain back into the water column untreated. This will result in extra water on the transfer barge. This water shall be pooled and then pumped through a filter before being released back into the containment. The filter shall be chosen to match the water quality exceedances.
- Fill the dredge bucket less than 75% of full capacity.
- Conduct additional water quality monitoring 150 feet downstream of the containment area before dredging restarts.
- Sample and analyze the water coming off the barge to evaluate the adequacy of the treatment, and to evaluate the potential contribution of the discharge water to any downstream exceedances.
- Conduct additional water chemistry sampling downstream and at the background station once dredging recommences to help evaluate the efficacy of the additional BMPs employed.
- All water chemistry sampling will be analyzed as quickly as possible to improve responsiveness. This shall be shorter 72 hours, unless data trends indicate no further exceedances.

So, in final format, Term and Condition 2 is amended to read as follows:

- d. Discharge of Water from the Barge. If water quality criteria, for any parameter, are exceeded, dredging operations will cease and EPA will confer with NMFS as to the possible sources of the exceedance based on monitoring data and visual observations. If there is an obvious source or reason for the water quality exceedance (e.g., silt curtain panel detaching, opening of the silt curtain door, some material accidentally spilled), this specific issue will be immediately corrected before dredging operations recommence. If there is no obvious source, water will be treated on the barge before release to the water column inside the containment. A treatment plant will be used on the barge, and will be constructed as necessary to remove dissolved organics in the event of specific chemical exceedances. Once dredging operations recommence (with any repairs, new BMPs, and/or water treatment in place), water quality sampling will be conducted to confirm that water quality exceedance are no longer

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- Conduct additional water chemistry sampling downstream and at the background station once dredging recommences to help evaluate the efficacy of the additional BMPs employed.
- All water chemistry sampling will be analyzed as quickly as possible to improve responsiveness. This shall be shorter 72 hours, unless data trends indicate no further exceedances.

All other terms and conditions in the August 19, 2005 Opinion are unchanged. A copy of this letter will be posted with the Opinion on NMFS' website. If you have any questions regarding this amendment or the Opinion, please contact Dr. Nancy Munn in the Willamette Basin Habitat Branch of the Oregon State Habitat Office at 503-231-6269.

Sincerely,

*for Michael R. Lohn*

D. Robert Lohn  
Regional Administrator

cc: Jeremy Buck, USFWS  
Greg Smith, USFWS  
Robert Neely, NOAA  
Christine Svetkovich, ODEQ  
John Malek, EPA